

Chapter 16.3 LAND USE ZONE REGULATIONS

Article II. Zone Definitions, Uses, Standards

16.3.2.8 Business – Local B-L.

D. Standards.

1. All development and the use of land in the B-L zone must meet the following standards. Kittery's Design Handbook illustrates how these standards can be met. In addition, the design and performance standards of Chapters 16.8 and 16.9 must be met.

e. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

ef. Open Space Standards.

16.3.2.9 Business – Local 1 B-L1.

D. Standards.

1. The following space standards apply:

Maximum front yard 30 feet*

*This area must be designed to promote a pedestrian public space, which includes, but is not limited to, landscaping, sidewalks, pedestrian ways/sidewalks, and sitting areas. Parking and outdoor storage are prohibited anywhere in the front yard of the structure, except for seasonal sales items. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

Minimum rear and side yards 10 feet*

*Except as otherwise required by the buffer provisions of this title, and except where the side and/or rear yards abut a R-residential Zoned district or use, in which case a minimum of 15 feet, or 50 percent of the building height, whichever is greater, is required.

5. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

16.3.2.10 Business – Park B-PK.

D. Standards.

2. Except for cluster mixed-use developments, the following space standards apply.

~~Minimum~~ Maximum front yard

50 feet*

*This area must be designed to promote a pedestrian public space, which includes, but is not limited to, landscaping, pedestrian ways/sidewalks, and sitting areas. Parking and outdoor storage are prohibited anywhere in the front yard of the structure, except for seasonal sales items. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

34. Other standards.

c. Landscaping Standards.

To achieve attractive and environmentally sound site design, and appropriate screening of parking areas, in addition to the landscaping standards contained in Chapter 16.8, the following landscaping requirements apply to new and modified existing developments:

iii. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

16.3.2.11 Commercial (C-1, C-2, C-3).

D. Standards.

2. The following space standards apply in the C-1, C-2, and C-3 zones:

3. C-1 Zone Standards.

All development and the use of land within the C-1 zone must meet the following standards:

c. Landscaping Standards.

To achieve attractive and environmentally sound site design, and appropriate screening of parking areas, in addition to the landscaping standards contained in Chapter 16.8, the following landscaping requirements apply to new and modified existing developments:

iii. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

4. C-2 Zone Standards.

All development and the use of land within the C-2 zone must meet the following standards:

e. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

5. C-3 Zone Standards.

All development and the use of land within the C-3 zone must meet the following standards:

c. Landscaping/ Site Improvements.

To achieve attractive and environmentally sound site design, and appropriate screening of parking areas, in addition to the landscaping standards contained in Chapter 16.8, the following landscaping requirements apply to new and modified existing developments:

i. Landscape Planter Strip.

(C) Special Situations.

(4) Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

16.3.2.13 Mixed Use MU.

D. Standards.

6. Landscaping Standards

f. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

16.3.2.14 Mixed Use - Badgers Island MU - BI.

F. Special Parking Standards.

2. Joint Use Parking.

a. Such joint parking areas must be held under ownership or under terms of a ~~contractual~~ written agreement that ensures such parking remains available to all users of the shared parking spaces;

6. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

16.3.2.15 Mixed Use - Kittery Foreside MU-KF.

E. Special Parking Standards.

NOTE: For each use in the zone, the total parking demand is calculated using the standards above or in Section 16.8.9.4 if not modified above. Then each nonresidential use is exempt from providing off-street parking for the first ~~ten~~ three required spaces. For uses requiring a demand of greater than ~~ten~~ three, then the off-street parking is to be provided on-site and/or in accordance with subsections (E)(2) and (3) of this Section.

3. Off-Site Parking.

Required off-street parking may be satisfied at off-site locations provided such parking is on other property owned by the applicant or is under the terms of a ~~contractual~~ written agreement that will ensure such parking remains available for the uses served. Applicant must present evidence of a parking location and a ~~contractual~~ written agreement to the Town Board or officer with jurisdiction to review and approve.

4. Joint Use Parking.

a. Such joint parking areas must be held under ownership of the applicant or under terms of a ~~contractual~~ written agreement that ensures such parking remains available to all users of the shared parking spaces;

5. Street Right of Way and Yard Use. The Planning Board may approve a site plan so the street right of way behind the curb face or edge of pavement, and the front, side and/or rear yard that may include a deck or paved area, may be used for public or commercial seating, tables and food service provided minimum space is provided for handicapped access. Related required off-street parking is exempt for the first fifteen required spaces. Said seating use area will not count as lot coverage unless within the Shoreland Overlay Zone.

Chapter 16.8 DESIGN AND PERFORMANCE STANDARDS – BUILT ENVIRONMENT

Article IV. Streets and Pedestrian ways/sidewalks Sidewalks-Site Design Standards

16.8.4.1 Purpose.

Streets will be designed as complete streets, i.e. streets that enable multi-modal use for pedestrians, bicycles, and vehicles, for all ages and abilities, and The design of streets must provide for proper continuation of streets from adjacent development and for proper projection into adjacent undeveloped and open land. These design standards must be met by all streets-street improvements within Kittery and control apply to roadwaystreet, shoulders, curbs, sidewalkspedestrian ways/sidewalks, drainage systems, culverts and other appurtenances.

16.8.4.13.1 Pedestrian Way Easements / Open Space Requirements

Easements granted for the construction of pedestrian connectivity are a form of manmade open space unifying the built and natural environments. Such areas are to be considered part of a development's open space requirement.

16.8.9.5 Pedestrian Ways / Sidewalks

A. Waiver of Lot Coverage. Easements granted by property owners for the construction and use as a pedestrian way / sidewalk will not be counted as lot coverage.

B. Snow Removal. All pedestrian ways / sidewalks will be cleared of snow to promote safe pedestrian use and handicapped access and said clearing is the responsibility of the property owner.

Chapter 16.9 DESIGN AND PERFORMANCE STANDARDS - NATURAL ENVIRONMENT

Table 16.9 - Minimum Setbacks from Wetlands and Water Bodies*

STRUCTURE/ACTIVITY	TOTAL SIZE OF WETLAND AND/OR WATER BODY		
	< 501 square feet	501 square feet – 1 acre and Intermittent Streams	> 1 acre
Local distribution utility pole, fence, flagpole, signs or drainage structure	0	0	0
Functionally water-dependent uses	0	0	0

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Roads and Driveways			
Traveled way of road or driveway of 18 feet or less in width ¹	0	10 feet from toe of slope	10 feet from toe of slope
Traveled way of road or driveway greater than 18 feet in width ¹	0	30 feet or 10 feet from Toe of slope whichever is greater	30 feet or 10 feet from Toe of slope whichever is greater
Parking Areas			
Parking areas for one- and two-family residential uses	0	10 feet	20 feet
1—5 stall parking area	0	30 feet	50 feet
6—20 stall parking area incorporating BMPs for stormwater management ²	0	40 feet	75 feet
6—20 stall parking area without incorporating BMPs for stormwater management. ²	0	75 feet	100 feet
21+ stall parking area ³ incorporating BMPs for stormwater management	0	50 feet	75 feet
Patios, Decks, Accessory Buildings			
Patio or deck area no larger than 500 square feet in size	0	30 feet	50 feet
Detached residential storage shed no larger than 120 square feet in size	0	30 feet	50 feet
Other Buildings and Structures			
Building or structure (including patio or deck area larger than 500 square feet in size)	0	50 feet	100 feet
Activities and structures permitted within regulated wetlands.	0	0 feet	0 feet
Subsurface Sewage Disposal			
Treatment tanks and disposal areas for new subsurface sewage disposal systems with design flows of less than 2,000 GPD	0	50 feet	100 feet
Treatment tanks and disposal areas for new subsurface sewage disposal systems with design flows of 2,000 GPD or more	0	100 feet	100 feet

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Table 16.9 - Minimum Setbacks from Wetlands and Water Bodies*			
STRUCTURE/ACTIVITY	TOTAL SIZE OF WETLAND AND/OR WATER BODY		
	< 501 square feet	501 square feet - 1 acre and Intermittent Streams	> 1 acre
Recreational Uses and Structures			
Low-intensity recreation	0	0	0
Recreational facility or structure excluding a golf course	0	50 feet	100 feet
Topsoil Removal			
Removal of more than 10 cubic yards of topsoil except for approved projects	0	50 feet	100 feet
Topsoil removal with a soil conservation service endorsed erosion and sedimentation plan	0	25 feet	25 feet
Special Uses			
Junkyard ¹	0	100 feet	150 feet
Bulk salt storage not in an enclosed structure ¹	0	100 feet	150 feet
Gravel and mineral extraction or Processing ¹	0	100 feet	150 feet
Storage of hazardous chemicals or special wastes other than amounts normally associated with individual households/farms ¹	0	100 feet	150 feet
Commercial painting, wood preserving or furniture stripping ¹	0	100 feet	150 feet
Laundromats, auto wash, printing, dry-cleaning, photographic processing if not connected to a sanitary Sewer ⁴	0	100 feet	150 feet
Metal plating, finishing, polishing ¹	0	100 feet	150 feet

* All vernal pools, including those having an area less than 501 square feet, are regulated by MDEP 06-096 Chapter 335.9.

¹ The roadway/street setback does not serve to negate a wetland crossing project for which a wetlands permit has been approved by the Planning Board.

² Written endorsement by the York County Soil and Water Conservation District (SCS) or the Town's peer review consultant that Best Management Practices (BMPs) for protecting water quality by minimizing pollutants leaving the site in the stormwater runoff are incorporated to the

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224 maximum extent practicable is required to satisfy this condition. The Planning Board may waive
225 the requirement for written endorsement by the SCS or the Town's peer review consultant when
226 it finds a drainage plan has adequately protected the wetland from adverse impacts.
227 ³ 21+ stall parking areas must incorporate BMPs.
228 ⁴ Wetland setback may be reduced to 100 feet, if the SCS or the Town's peer review consultant
229 find the stormwater management plan is endorsed by the SCS as incorporating incorporates
230 BMPs for protecting water quality by minimizing pollutants leaving the site in the stormwater.
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